

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**ANDREA MARTINEZ AND ZACKERY  
MARTINEZ,**

**PLAINTIFFS,**

**VS.**

**FREDRICK LOFTON, AND KLLM  
TRANSPORT SERVICES, LLC,**

**DEFENDANTS.**

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**CIVIL ACTION NO. \_\_\_\_\_**

**NOTICE OF REMOVAL AND DEMAND FOR JURY TRIAL**

**TO THE HONORABLE UNITED STATES DISTRICT COURT:**

COMES NOW, Defendant Fredrick Lofton (collectively “Defendants”) and hereby file this Notice of Removal and Demand for Jury Trial of cause number DC-20-19355, styled *Andrea Martinez and Zackery Rodriguez v. Fredrick Lofton and KLLM Transport Services, LLC*, currently pending in the 162<sup>nd</sup> Judicial District Court of Dallas County, Texas. Defendants remove the case to the U.S. District Court for the Northern District of Texas, Dallas Division pursuant to 28 U.S.C. §§1332, 1441 and 1446. As grounds for removal, KLLM states as follows:

**I. This Removal is Timely.**

1. This removal is timely as KLLM was served with Plaintiff’s citation and petition on January 14, 2021 and Fredrick Lofton was served with Plaintiff’s citation and petition on January 29, 2021. This notice of removal is being filed within thirty days from the date of service of process of this lawsuit pursuant to 28 U.S.C. §1446.

**II. This Removal is Based on Diversity Jurisdiction.**

2. There is complete diversity between all parties. Plaintiffs are, and were at all relevant times, residents of Dallas County, Texas. *See Plaintiffs' Original Petition, Section III.* Defendant Lofton is, and was at all relevant times, a citizen of the state of Mississippi with last known address at 2918 Longwood Drive, Jackson, Mississippi 39212. *Id.* KLLM is, and was at all relevant times, a citizen of the state of Mississippi. The affidavit of Mr. Richards, the President of KLLM, outlines the citizenship of each member of KLLM.
3. The amount in controversy exceeds \$75,000 because Plaintiffs are seeking to recover damages in excess of \$250,000. *See Plaintiffs' Original Petition, Section II.*
4. As such, this Court has original jurisdiction over this civil action pursuant to 28 U.S.C. § 1332(a) because the parties involved are citizens of different states, there is complete diversity of citizenship, and the matter in controversy exceeds \$75,000.00, exclusive of interest and costs.
5. Defendant KLLM consents to this Removal, as shown by the affidavit of Sandee Sportsman.

**III. Removal to the Dallas Division is Proper.**

6. On December 31, 2020, Plaintiffs filed their Original Petition in state court in the 162<sup>nd</sup> Judicial District Court located in Dallas County, Texas, pursuant to Texas Civil Practice and Remedies Code §15.002(a)(1) because Dallas County, Texas is where all or a substantial part of the events or omissions giving rise to the claim occurred. *See Plaintiffs' Original Petition, Section IV.* Dallas County falls within the Northern District of Texas, specifically, the Dallas Division. As such, this venue is proper.

**IV. The Removal Requirements under 28 U.S.C. §1446(a) Have been Satisfied.**

7. Plaintiffs are represented by V. Paige Eldridge (Texas Bar No. 24096747) and Amy K. Witherite (Texas Bar No. 00788698) of Witherite Law Group, PLLC, 10440 N. Central Expressway, Suite 400, Dallas, Texas 75231-2228, telephone number (214) 378-6665, facsimile (214) 378-6670, with e-mails [paige.eldridge@witheritelaw.com](mailto:paige.eldridge@witheritelaw.com) and [amy.witherite@witheritelaw.com](mailto:amy.witherite@witheritelaw.com). Pursuant to 28 U.S.C. § 1446(a), an index of all documents filed in the state court action is attached hereto as Exhibit A. A copy of the state court's docket sheet is attached hereto as Exhibit B. A true and correct copy of all process, pleadings, and orders served upon Defendants in the state court action are being filed with this Notice of Removal, attached hereto as Exhibit C.
8. The state court action is currently pending and Defendants have appeared and answered therein,
9. Defendants now file this Notice of Removal based on the grounds asserted herein, and promptly upon the filing of same, is also filing a Notice of Filing of Notice of Removal with the state court in which this case was previously pending.

WHEREFORE, PREMISES CONSIDERED, Defendants respectfully pray that the above-entitled action now pending in the 162<sup>nd</sup> Judicial District Court of Dallas County, Texas be removed to this Court. Praying further, Defendants request such other and further relief to which they are justly entitled.

Respectfully submitted,

**CHAMBLEE RYAN, P.C.**

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**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

I do hereby certify that on February 25, 2021, I served a true and correct copy of the above and foregoing document by e-service to all counsel of record.

V. Paige Eldridge  
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***Counsel for Plaintiffs***

/s/ Jeffrey W. Ryan  
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